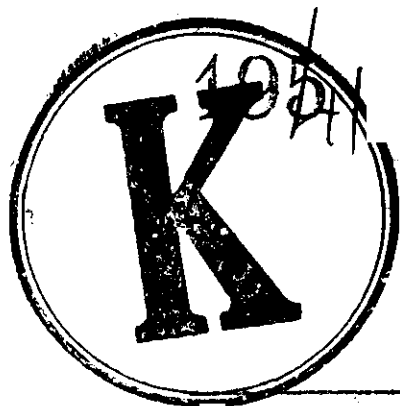




*P.S.
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File No 0 Trade
Unions /41

DEPARTMENT

BRANCH

Subject:— *Opinions under an.
Indian Trade Unions
Act, 1926.*

File No.

0 Trade Unions /41

Std. Sect. Slip. 21 A

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Office of the R.L.A.

The Registrar of Trade Unions states that a registered union, which had previously specified the rate of subscription in the rules, has recently amended the rule as follows:-

" Any clerk engaged in the local Textile Industry in the City of Bombay shall be entitled to become a member of the Union on payment of the prescribed monthly subscription for the current month provided he agrees to abide by the rules and by-laws that may be made by the Union from time to time."

2. The question for the R.L.A.'s consideration is whether the rule can be treated as satisfying the requirements of section 6(e) of the Indian Trade Unions Act, 1926, or whether the amount of subscription payable by a member should be specified.

3. Section 6(e) of the Indian Trade Unions Act, 1926, requires that provisions regarding the admission of ordinary members should be contained in the rules of a Trade Union. These provisions should relate to the conditions subject to which the ordinary members shall be admitted to the Trade Union. Payment of fees being one of such conditions, it is necessary that fees for admission of ordinary members should also be specified by the rules of the Union to make it eligible for registration under section 6(e) of the Act.

Sd/-P.N.M.
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~~29/7~~

U.R. to P. & S.D. No. 6757 , dated the 31st July 1941.

V.VK.
25/4/56.

Office of the R.L.A.

Section 6(i) of the Indian Trade Unions Act, 1926, enacts that a trade union shall not be entitled to registration unless the rules thereof provide inter alia for adequate facilities for the inspection of the account ~~and~~ books by the officers and members of the trade union.

Section 20 of the Act lays down that the account books of a registered trade union shall be open to inspection by an officer or member of the trade union at such times as may be provided for in the rules of the trade union.

Reading these two sections together, it will be clear that a trade union can frame rules for prescribing the times at which a member can ask for inspection of accounts but it cannot make rules for imposing any restriction on the member's right to inspect. Rule 19(b) framed by the Rastriya Girni Kamgar Sangh imposes a restriction on such right by requiring 20 members to give notice of their desire to inspect and is consequently ultra vires of the Act. Unless the rule is modified and provides for adequate facilities for inspection by a member, the Rastriya Girni Kamgar Sangh is not entitled to registration.

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15/7/41.

U.R to P.&S.D., No. 6228, dated 17th July 1941.

V.V.K.
25/4/1956.

Office of the R.L.A.

The words "intended to benefit workmen in general" in section 15(j) of the Indian Trade Unions Act, 1926, contemplate a direct benefit to workmen and not an indirect benefit such as the War Gifts Fund would bring to the workmen as well as others (cf. Advocate General's opinion dated 15th July 1940). Consequently it would not be legally permissible to a registered Trade Union to contribute ~~any money towards the War Gifts Fund~~ from its general funds any money towards the War Gifts Fund under section 15(j) of the Act. The words "any other object" in section 15(k) are, however, very wide and if Government notifies contribution to the War Gift Fund as an object under section 15(k), contribution to the War Gift Fund from the general funds of a registered Trade Union would be permissible.

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~~29/10/41.~~

U.R. to P.&S. Deptt. No. 9403, dated 31st October 1941.

V.VK.
25/4/1946.

Office of the R.L.A.

Section 13(3) of the Trade Unions Act, 1871 (34 and 35 Vict. Ct.31) provides that no trade union shall be registered under a name identical with that by which any other existing trade union has been registered, or so nearly resembling such name as to be likely to deceive the members or the public. By

regulation 2 of the Regulations made by the Secretary of State under section 13(6) of the Act power is given to the Registrar to refuse to register a trade union under a name identical with that of any other existing trade union known to him whether registered or not registered or so nearly resembling such name as to be likely to deceive the members or the public, and in the Queen vs. The Registrar of Friendly Societies (1872, L.R. 7 Q.B. 741) this regulation has been held to be intra vires.

Provisions similar to section 13(3) and (6) of the Trade

Unions Act, 1871 are made in section 7(2) and section 29(1) respectively of the Indian Trade Unions Act, 1926; but no regulation similar to regulation 2 made by the Secretary of State under section 13(6) of the Trade Unions Act, 1871 has been made by Government under section 29(1) of the Indian Trade Unions Act, 1926. Consequently unless and until a similar regulation is made by Government, it would not be legally feasible for the Registrar to refuse registration of a trade union under a name identical with that of any other existing unregistered trade union known to him.

Sd/-P.N.M.
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Remembrancer of Legal Affairs.

~~Sd/- 30/11/41~~

U.R. to P.S.Deptt. No. 9470 , dated 3rd November 1941.

V.VK. 25/e/56.